

From: William Early/R3/USEPA/US
Sent: 1/20/2012 10:22:35 AM
To: Humane Zia/R3/USEPA/US@EPA
CC:
Subject: Re: Fw: 01/19/2012 Telephone Call

Ex. 5 - Attorney Client

Thanks.

William C. Early
Deputy Regional Administrator
Middle Atlantic Region
U. S. Environmental Protection Agency
215 814 2626
215 814 2901 (Fax)
Early.William@epa.gov

From: Humane Zia/R3/USEPA/US
To: William Early/R3/USEPA/US
Date: 01/20/2012 09:43 AM
Subject: Re: Fw: 01/19/2012 Telephone Call

THIS MEMO MAY CONTAIN PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS

Ex. 5 - Attorney Client

Humane L. Zia
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency - Region III
Office of Regional Counsel
1650 Arch Street (3RC41)
Philadelphia, PA 19063-2029
215.814.3454 / 215.814.2603 fax

From: William Early/R3/USEPA/US
To: Humane Zia/R3/USEPA/US@EPA
Date: 01/20/2012 09:24 AM
Subject: Re: Fw: 01/19/2012 Telephone Call

Humane -

Nice follow up. Thanks for all your support on Dimock. Look forward to continuing to work with you on this as things proceed.

Enjoy the weekend.

bill e.

William C. Early
Deputy Regional Administrator

Middle Atlantic Region
U. S. Environmental Protection Agency
215 814 2626
215 814 2901 (Fax)
Early.William@epa.gov

From: Humane Zia/R3/USEPA/US
To: kkomoroski@fulbright.com
Cc: Early.William@epamail.epa.gov, abarrette@fulbright.com
Date: 01/19/2012 06:05 PM
Subject: Re: Fw: 01/19/2012 Telephone Call

Hi Ken,

I'm sending you this email to make sure that we are both clear about where things stand.

Per our conversation a few minutes ago, you informed me that Amy's earlier email to me was intended only to memorialize the conversation she had with me this morning, and not to provide a definitive answer about whether Cabot would be willing to provide alternate water to the 4 residents of concern. You indicated that you are not aware (as of our conversation) whether Cabot had made a final decision regarding provision of water to the 4 residents. I informed you that EPA would be proceeding with the provision of water to the 4 residents tomorrow, and that we would look forward to further communications from you or Cabot regarding this matter.

We also spoke about your continued responsiveness to EPA's CERCLA Section 104(e) letter, and I acknowledged the cooperation that Cabot has shown regarding its 104(e) response.

Regards,
Humane

Humane L. Zia
Senior Assistant Regional Counsel
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From: Humane Zia/R3/USEPA/US
To: kkomoroski@fulbright.com
Cc: abarrett@fulbright.com
Date: 01/19/2012 05:29 PM
Subject: Fw: 01/19/2012 Telephone Call

Ken, I just realized I did not copy you on this. -Humane

Humane L. Zia
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----- Forwarded by Humane Zia/R3/USEPA/US on 01/19/2012 05:28 PM -----

From: Humane Zia/R3/USEPA/US
To: "Barrette, Amy L." <abarrette@fulbright.com>
Cc: Early.William@epamail.epa.gov
Date: 01/19/2012 05:24 PM
Subject: Re: 01/19/2012 Telephone Call

Amy,

Our reading from your email is that Cabot is declining to provide alternate water to the residents. If this is incorrect please let me know immediately.

Regarding our earlier telephone conversation, this will clarify that I did inform you that EPA's decision to ensure provision of alternate water to 4 homes is based on EPA's review of available data. I thereafter forwarded to you and Ken, at 2:21, EPA's Action Memorandum (which we sent to your client earlier in the afternoon) setting forth the specific basis for EPA's action.

I'm sure we will be touch in the next few days.

Regards,
Humane

Humane L. Zia
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From: "Barrette, Amy L." <abarrette@fulbright.com>
To: Humane Zia/R3/USEPA/US@EPA
Cc: "Komoroski, Kenneth" <kkomoroski@fulbright.com>, "Barrette, Amy L." <abarrette@fulbright.com>
Date: 01/19/2012 02:46 PM
Subject: 01/19/2012 Telephone Call

Dear Humane,

I am writing to confirm our conversation today. You telephoned me in my role as counsel to Cabot Oil & Gas Corporation (Cabot) and advised that the United States Environmental Protection Agency (USEPA) is planning to conduct sampling at approximately 61 homes in the Dimock Area. You offered that Cabot could obtain split samples, and indicated that the Pennsylvania Department of Environmental Protection was invited by USEPA to obtain split samples from USEPA's activities as well.

You also stated that the USEPA had made a determination that four (4) homes in the Dimock area required water delivery, even before such sampling was conducted and before the results were obtained, and that the EPA was asking Cabot if it wished to provide water to these four homes. You asked that Cabot respond by close of business TODAY, and if Cabot agreed to provide the water, that it was to be delivered by 2:00 p.m. EST, Friday, January 20, 2012 (TOMORROW). You also stated that the USEPA asked the DEP to "oversee" the water deliveries in the event that Cabot agreed to supply the water. You informed me that if Cabot declined to provide water to these residents, that USEPA would provide water to them. When I asked which four homes required water, you were unable or unwilling to provide that information to me.

Cabot is unable to make an informed decision in response to USEPA's request. At the time USEPA made the request, USEPA was unwilling to identify the names or addresses of the locations for water delivery, the reason why water would need to be delivered, the data that USEPA relied upon in making this request and the authority for USEPA's request. Thus, USEPA has provided no information upon which anyone could make an informed decision and has failed or refused to identify even the need for such action.

Cabot continues to be prepared to immediately meet with USEPA to review any and all data and to assist with the evaluation or interpretation of the data. As you know, Cabot has already and recently provided extensive amounts of data to USEPA and this data has been carefully prepared and reviewed by professional third party environmental consultants. The data indicates

clearly that no primary drinking water standards have been exceeded and that thus the water supplies are safe for drinking, bathing and all other household uses. On this and other relevant bases, the Pennsylvania DEP appropriately authorized the cessation of delivery of temporary water supplies. USEPA has provided no information to the contrary in making its request of Cabot.

We look forward to receiving further information from USEPA and the opportunity to meet and discuss the data and USEPA's concerns.

Kindest Regards,
Amy Barrette

Amy L. Barrette, Partner

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